

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, MAY 12, 2009 – 8:00 P.M.

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 8:00 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL.

PRESENT: Mayor Johnson, Council Members Betts, Gyllenblad, Wallace and Wenck.

STAFF: Administrator-Clerk Hirsch, Attorney Vose, West Hennepin Public Safety Director McCoy.

VISITORS: Kathy & Ed Pluth, Sam Stern, Charles Leck, Charlyn Cadwell, Don Schlais, Paul Savage, LuAnn Brenno, Bob & Marilyn Hamilton, Gloria & Walter Brehm, Randy O'Brien, Douglas Dotty, James Coleman, June Sutton, Earl Taylor, Carl Phillips, Fred Lang, Barb Kiser, John Sweeney, Richard Olson, Regina Gleason, Dave Garwick, Kate Roehl, Michael Loegering, Don & Winnie Baird, Garret & Jane Sarkinen, Richard Schieffer, Brad Spencer, Richard Shenk, Mary Olson, Dawn Reidinger, and many others who did not sign in.

4. CONSENT AGENDA.

Approve:

- Council Minutes – April 28, 2009.
- Accounts Payable for May 2009.
- Resolution No. 09-0512-01 approving acquisition of real estate by the Lake Minnetonka Communications Commission (LMCC).
- Minnesota High School Ultimate Frisbee Competition to be held at the Polo Fields on June 6 and 7, 2009.
- Resolution No. 09-0512-02 approving a Fund Balance Policy.
- 2008 Audit.

**Motion by Betts, second by Wenck, to approve the consent agenda. All present voted aye. MOTION DECLARED CARRIED.**

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

Betts added a discussion of the West Hennepin Public Safety contract.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

- Gyllenblad: 200 phone calls regarding police services, Board of Review.  
Wenck: Board of Review, Discussed the LMCC purchase agreement.  
Wallace: Board of Review.  
Betts: Board of Review.  
Mayor: Joint Legislative Day with cities, counties, townships and school districts in St. Paul, Met Council workshop on population estimates, Delano Senior Center Volunteer Appreciation Luncheon, Plymouth Senior Center Volunteer Appreciation Luncheon, WeCan Board meeting, Orono School Board meeting, Board of Review.  
Hirsch: Clarified questions regarding how City employees are paid when the City closes at noon on Fridays, met with Tony Barranco of Ryan Companies to discuss utility options for site on the western edge of the City, met with Barry Lund of the League of Minnesota Cities Insurance Trust for an audit.

7. APPROVAL OF THE 2009 BUDGET, RESOLUTION NO. 09-0512-03. THIS ITEM INCLUDES FINACIAL DISCUSSIONS ABOUT TOPICS SUCH AS POLICE AND FIRE PROTECTION AND BUILDING INSPECTION SERVICES.

Johnson discussed the process the Council had gone through to create the proposed budget resolution. He reminded the audience that they would be limit on the length of time they could speak and requested they not applaud. Johnson explained that under the West Hennepin Public Safety joint powers agreement, the City is required to give a 365-day notice before the end of the year, so Independence is contractually obligated to WHPS through 2010.

Wenck stated he wanted to reduce the WHPS budget, not change the City's police service to Hennepin County. He stated he used the proposal from Hennepin County as a baseline to help the Council determine the value of WHPS services.

Johnson explained how the Police Commission is organized and the process the WHPS budget goes through each year. Johnson asked McCoy to discuss the WHPS budget.

McCoy explained WHPS is a joint powers agreement between the Cities of Maple Plain and Independence and was established in 1979. He stated the Department was formed after the Cities were having issues with response times and Hennepin County notified cities it would be discontinuing police services to communities south of Highway 55. McCoy stated the 2009 WHPS he presented to the Police Commission and the City Councils cover primary objectives: 24-hour coverage, investigative services, administrative staff, emergency management services, community education programs, and traffic and narcotics enforcement. McCoy stated the Department has nine police officers and two administrative staff members.

McCoy stated the original 2009 budget he submitted to the Police Commission and Councils was one percent higher than the 2008 budget, but because of funding from other sources, the Cities' portion of the budget was reduced about three-fourths of a percent. He added the 2009 budget included about 4.5 percent discretionary spending, and 3.5 new spending, in part for increased PERA contributions, \$20,000 to cover overtime expenses for shifts that needed to be covered because on officer is serving in Iraq, and \$20,000 for a part-time CSO. McCoy stated the Police Commission voted to increase the 2009 WHPS by another \$14,000. He stated the City of Independence requested WHPS look at ways to reduce its budget,

so at the March 2009 Police Commission meeting, WHPS submitted approximately \$50,000 in budget reductions, which the Commission approved. McCoy stated these reductions would reduce the WHPS budget to \$1,331,199 and the Independence share to \$776,000, as long as there are no increases in fixed costs. McCoy stated the Police Commission approved the revised budget.

McCoy discussed the high level of service WHPS provides. He stated that if the Independence City Council would like a reduction in services, they need to communicate that to WHPS. McCoy stated the proposal from Hennepin County did not include a supervisor in the community, clerical support, narcotics enforcement, issuing burn permits, animal control or the cost of citizens going to County headquarters in Brooklyn Park or Minneapolis. McCoy added public safety is expensive. He stated he made a comparison between other cities' police spending and Independence's police spending. McCoy stated he found that cities spent, on average, 30.8 percent of their budgets for police protection and Independence spent 31.4 percent of its budget for WHPS. McCoy added WHPS covers 36 square miles, which is as much area as Maple Grove.

McCoy stated before the WHPS 2009 budget reduction, the cost difference between WHPS and Hennepin County for a \$500,000 home was \$83 per year. He added that with the WHPS cost reduction the difference would be \$45 per year or \$3.75 per month for a \$500,000 home. McCoy stated he would work with Independence and Maple Plain if the Council decides to decrease services. He stated to maintain the same level of service the budget cannot be cut any further without cutting staff. McCoy discussed the skills and dedication of the WHPS staff. He stated residents like having their police officers also be community members who are available for discussions outside of their working hours. He added the WHPS officers are always will to go the extra mile. He asked if it was worth \$3.75 per month to keep the WHPS officers. He also thanked the Police Commission for its time and effort.

Johnson noted that the public safety line item in the budget resolution also includes fire protection. He stated the Independence portion of the WHPS budget in 2008 was \$845,000 and in 2009 is proposed to be \$842,000, with \$311,000 for fire protection and \$6,000 for miscellaneous expenses.

Wenck asked what the Independence share of the 2009 WHPS budget.

McCoy explained that there was \$50,000 cut from the WHPS budget and the Police Commission recommended that WHPS keep it as a reserve and apply it toward the 2010 budget, so next year the overall impact to the Cities would be \$100,000 less.

Johnson stated the Police Commission put money into the 2009 budget for a scheduled police vehicle replacement.

Betts asked how long Independence was contractually obligated to WHPS.

Johnson responded that Independence was obligated to WHPS until the end of 2010. Johnson asked Wenck if he was satisfied with the 2009 WHPS budget.

Wenck responded he would like to hear from the members of the public

#### Public Comment

Dean Mooney, resident, stated he was a citizen member of the original community commission that studied police services in Independence and recommended WHPS be formed. Mooney added the decision

to create WHPS has served the community well. He discussed the programs offered by WHPS and noted they developed over time to create one of the finest police departments in Minnesota. Mooney stated he was a police chief in Golden Valley and for Metro Transit and said that WHPS has an excellent reputation throughout the State. He stated that the Council is risking destroying everything WHPS has built and in a couple of years, the City would probably need to create another police department and start over again. Mooney added the Hennepin County Sherriff's Office could decide in a couple of years not to provide service to Independence.

Kate Roehl, resident, said she had lived in Independence since the inception of WHPS and had appreciated knowing that her neighbors are also her police officers. She expressed a concern about the "golden hour" of response times and noted that with service from Hennepin County, the response time in Independence would probably suffer. She stated a poor response time is not worth \$4 per month.

Mike Kiser, resident, stated he's lived in Independence for 8 years. He stated WHPS had responded quickly to his home when he had a severe head injury and he's thankful for how WHPS acted that day.

Charlyn Cadwell, Maple Plain resident, stated she was a resident in Maple Plain when WHPS was created. She added that Hennepin County would not give the community the same response time as WHPS does. She noted that she likes knowing the police officer who comes to her door. Cadwell added that the Council only received one letter in favor of changing to Hennepin County.

John Sweeney, Maple Plain Mayor, read a resolution that was passed unanimously by the Maple Plain City Council:

#### Resolution Supporting the West Hennepin Public Safety Police Department

Whereas, West Hennepin Public Safety (WHPS) has successfully operated as the police department, providing exemplary police protective services to the communities of Maple Plain and Independence since 1979; and,

Whereas, WHPS has a high crime solve rate and plays a significant role in removing illegal drugs off the streets through the West Metro Drug Task Forve; and,

Whereas the two cities have previously explored the option of replacing WHPS with contractual services offered through the Hennepin County Sherriff's Office; and,

Whereas, resident input and response to such considerations determined it was not in either City's best interest to change police services; and,

Whereas the Maple Plain City Council (Council) concurs with the opinions of its constituents and further finds that a change in service is neither economically feasible nor in the best interest of the citizens of the communities.

Now, therefore be it resolved by the City Council of the City of Maple Plain, Minnesota, the Council hereby stands behind the Joint Powers Agreement with the City of Independence and further lends its unanimous support to the West Hennepin Public Safety Department.

Be it further resolved, that Council strongly encourages the Independence City Council to continue the Joint Powers Agreement with the City of Maple Plain in the best interest of the citizens of both communities.

Sweeney stated the WHPS joint powers agreement is based on a formula that uses population, tax capacity and calls for service to determine what each City pays. He added the formula could change in the future because Maple Plain has approved a new development plan that could, in the future, increase Maple Plain's tax capacity. Sweeney noted Highway 12 effects Independence and Maple Plain and will soon reach its capacity. Sweeney stated in all of his years on the City Council, he believes that McCoy is the best chief WHPS has ever had and is excellent at creating a budget. Sweeney asked the Independence Council to forward any specific budget reduction items to the Police Commission. Sweeney added that Maple Plain had a much larger cut in Local Government Aid than Independence had.

Aaron Ruhland, resident, stated he is a new Independence residence and an administrator in the school district. He added that Independence's police protection, community leadership, were some of the reasons why he and his wife chose to move to Independence. Ruhland stated the school district has an exceptional relationship with WHPS. He added the district knows WHPS officers are dedicated to helping the schools and families and working collaboratively to solve problems. He stated WHPS is actively involved in crisis planning, drug prevention and intervention and school safety. He added these services would not be the same if the City contracted with Hennepin County. Ruhland asked the Council not to disband WHPS. He added the quality of the people who work for WHPS is second to none.

Dick Schieffer, resident, stated public safety is the first duty of government and commended the audience for participating in the discussion at the meeting. He stated he supports the continued funding of WHPS. He added that WHPS is a great department and there are ambiguities in what Hennepin County will offer Independence. Schieffer expressed a concern that if WHPS officers feel the future of their department is questionable, they might start to leave for other departments and Maple Plain might look for a more reliable partner. Schieffer stated he believes that Gyllenblad and Wenck are just trying to cut the costs within WHPS. He added that the pressure they put on WHPS has gotten the City a budget reduction of about \$100,000 over two years. Schieffer stated he has no problem with putting pressure on departments in order to cut costs, but he now thinks it's time to vote on the issue.

John Luse, resident, stated he manages a police department in an inner-ring suburb. He told the Council that it ought not to be creating a situation in which the police chief has to apologize for delivering excellent services. He acknowledged that everyone is in poor economic times, but noted that the City is in good financial shape according to its recent audit. Luse noted the West Metro Drug Task Force's results are exceptional and improve the quality of life in Independence. Luse asked the Council to define how much money it would like to take away from a core service. He added the Hennepin County Sheriff's Office is a great department but it is not in the business of providing local community protection. Luse also commented that the WHPS budget has been cut.

Jerry Horazuk, resident, stated he was a district manager with Metro Transit and said he got to know many police departments and thinks WHPS is one of the best. He said he doesn't like the thought of a squad from Robbinsdale and Brooklyn Center responding to a call in Independence. Horazuk added that value is as important as price.

Bill Schuyler, resident, stated he is in favor of keeping WHPS. He added he has had to use WHPS, once when a gas line on his property was accidentally cut. He noted WHPS had a very quick response time.

Schuyler stated the Hennepin County Sherriff's Office is a fine department, but when he spoke to a friend who works in the Sherriff's Office, the friend couldn't believe Independence would consider getting rid of its current department. He noted that Hennepin County is also having budget issues and will soon be cutting departments and budgets. Schuyler stated that while Hennepin County will provide a supervisor, it will be a person who is in Brooklyn Park.

Dick Olson, resident, stated he has lived in Independence for 40 years and believes WHPS consists of the finest people. He added that his family has used WHPS and their response time was very quick. Olson stated that response time is most important to him and his neighbors. He added that the WHPS officers live in the community, as do their families, who often help in emergencies. He noted that no one who has spoken so far has been unhappy with the service WHPS provides. Olson told the Council that the residents are happy with the police protection they have. Olson noted that many of the services WHPS provides will not be provided by Hennepin County.

Jerry Fredin, resident, stated he has lived in Independence for 39 years and has watched WHPS grow. He added he is happy with the services they provide, such as checking in on homes when residents are out of town and responding to break-ins.

LuAnn Brenno, resident, stated the WHPS issue was brought up last fall and residents thought it had been decided then. She said she agreed with Wenck that the Council needs to look at the City's budget and added that many residents believe property taxes are too high. Brenno said her concern is that when the Council starts talking about budget; it turns into a discussion about getting rid of WHPS. She added that from all the letters and public comment, the Council can see that the residents are willing to pay for WHPS. Brenno expressed a concern that the WHPS budget issue comes up when there are no residents at the Council meeting and when it's not on the agenda. She added she and other community members spent a great deal of time and energy to inform Independence residents of what was going on at Council meetings. Brenno asked the Council to assure the community that the WHPS issue will not be brought up over and over again when residents aren't aware of it.

David Garwick, WHPS Police Chaplain, stated the WHPS Police chaplain program now serves eight communities. He added the program was a gift to the community from WHPS, which started the program in 1995. Garwick stated the Chaplain program is one of the examples of the benefits of having a community-based police force.

Gyllenblad stated the City had a good audit because it raised its taxes dramatically. He stated the City raised its budget by 35 percent in 2005. He added that since 2005, the average budget increase has been 12.5 percent and the Council is trying to lower that number. Gyllenblad stated when the Council works to cut the budget, it has to evaluate the services that cost the most amount of money. He stated that this year was the first time the Council has had cooperation from all of the departments. Gyllenblad also discussed Ag Preserve properties in the City and stated those properties do not contribute a large percentage of property tax to the budget.

Wenck stated he would like the budget reduction WHPS made in 2009 to be applied to the 2009 budget instead of carried into 2010. He estimated that would reduce the Independence share of the WHPS budget by about \$33,000.

Johnson asked McCoy to clarify the WHPS budget cuts.

McCoy responded there were \$50,000 total in budget cuts for 2009, so Independence's share of the cut would be \$33,000.

Wenck proposed reducing the Independence share of the West Hennepin Public Safety budget by \$33,000.

Hirsch, Johnson and Wenck discussed the new budgeted amount for the WHPS portion of the Independence budget and determined it would be \$809,942.

**Motion by Betts, second by Johnson, to approve Budget Resolution No. 09-0512-03.**

Wallace stated he doesn't mind doing a difficult job and sees that there are more cuts in the future for other departments. He noted residents told the Council they like having police officers living in the community, but he said many police officers cannot afford to live in Independence. Wallace said he recently spoke to two people in the community who said they might have to move out because of the taxes. He said he doesn't think the current cuts are enough. Wallace said the public has told him at the meeting tonight that the Council shouldn't touch the police department. He stated the Council still needs to make more cuts and noted the Council had asked for a 10 percent cut and had received an 8.8 percent cut.

Johnson stated he believes the most important direction for staff is to have them always look for ways in which they can cut the already approved budget. He stated it's not the Council's job to micro-manage. Johnson pointed out that the City spent less than what it had budgeted during 2008.

Wenck stated the City is paying about \$100,000 a year for the building inspections department and so far this year has received about \$9,000 in building permit fees. He added the pro rata cost of the building inspections department to date is about \$40,000. Wenck noted there have been no new houses so far this year and he believes the City does not need a building inspector on staff. He stated the City had received proposals in 2008 for contracted building inspection services, which would have cost the City about \$3,000 so far in 2009 instead of \$40,000. He stated that if the City wants to be efficient, it could look at changes in the building inspections department.

Johnson explained that the Administrator is in charge of her staff and asked that Hirsch discuss the Building Official position. He added the Building Official is a staff person who also works part-time in administration and public works.

Hirsch stated the Building Official is also the City's code enforcement officer. She stated the hourly wage the Building Official receives is half of the contact fee a City Planner would charge for following up with a complaint or conditional use permit inspection, so if the City were to lose that position, it would pay twice as much for those services. She added the position snowplows a quarter of the City during the winter and assists in the summer with hauling material, when time allows. Hirsch stated the Council has previously discussed doing follow-up inspections for conditional use permits and Wenck had suggested having the Building Official do those inspections. Hirsch states the Building Official is willing to work four, eight-hour days, which would save the City about \$17,000 for the remainder of the year. She added that the entire City staff would be willing to work four, eight-hour days if it would mean no one would be laid off. Hirsch stated that if the Building Official were laid off, the City would have unemployment expenses. Hirsch noted that even though the City hasn't had any new home permits, people are still remodeling their current homes. She reviewed the cost analysis of the Building Official position the City

had done last September and noted there was minimal cost savings associated with laying off the Building Official. Hirsch stated the current Building Official had worked for the City's contracted building inspection company for five years before being hired by the City, and so he has knowledge of the area and its residents. Hirsch stated the Building Official received a three percent increase in pay from what he was making while working for the contracted agency.

Johnson suggested that if the Council wants to have 10 percent of the budget cut, then the City Administrator should determine how to meet that goal and come back to the Council with recommendations. He noted the City will soon need to start working on the 2010 budget because there will be less revenue for the City due to decreased valuations.

Betts stated the budget is a working document that can still be changed after it is approved. She noted the City has often come in under budget on its expenses.

Jack Lynch, resident, suggested that Maple Plain and Independence could share equipment for the public works departments.

Johnson stated the City is sharing some equipment already, but some items cannot be shared.

Wenck stated he is willing to allow staff to figure out how to cut a total of 10 percent from the 2008 budget for the 2009 budget.

Johnson suggested that staff determine how to cut 10 percent and bring the final budget resolution to the next Council meeting.

**Motion by Wenck, second by Wallace, to amend the original motion and direct staff to create a 2009 budget that is 10 percent less than the 2008 budget and to bring those final budget recommendations to the May 26, 2009 Council meeting. All present voted aye. MOTION AS AMENDED DECLARED CARRIED.**

Johnson thanked the audience for being attentive and respectful during the meeting.

8. OPEN/MISC.

West Hennepin Public Safety Contract

Betts read a statement regarding WHPS: "Considering both our community and our public safety officers deserve some peace of mind and continuity, I would propose that we consider a contract with WHPS to be renewed for a two-year period, rather than for one year at a time. This would allow for better budgeting and planning, less stress on officers and citizens and continue a good working relationship with Maple Plain, our partner with WHPS. Contract renewal would be contingent upon budgetary review and approval by the Police Commission and both Independence and Maple Plain. And I would make a motion that we do this for the coming year."

**Motion by Betts, second by Johnson, to have the WHPS contract renewed for a two-year period.**

Vose stated the City should first start with changing the Joint Powers Agreement between Independence and Maple Plain. He added the motion sounds like an amendment to change the withdrawal period from a one-year notice to a two-year notice. Vose noted Maple Plain would also need to approve any change in



the Joint Powers Agreement and the Police Commission should also discuss the issue. Vose stated there may be other budget elements of the Joint Powers Agreement that could also be reviewed by the Police Commission.

Johnson stated Betts' recommendation would have to go to the Police Commission for review and then circulate back to the cities for approval.

Wallace stated he would like to have the Police Commission to address the possibility of adding one community member from each City.

**Motion by Wallace, second by Betts, to amend the original motion to include direction to have the Police Commission consider adding one community member from each City to the Commission.**

Wallace stated he believes the Commission should have a community member at-large who is appointed by each City Council who would give the community a direct voice.

**Johnson called for a vote on the amendment. All present voted aye.**

**Johnson called for a vote on the motion as amended. Ayes: Betts, Gyllenblad, Johnson, Wallace. Nays: Wenck. MOTION DECLARED CARRIED.**

LuAnn Brenno

Brenno thanked the audience members for coming and encouraged them to attend more Council Meetings in the future.

Johnson reminded audience members that Council meetings are played on cable television and are available online.

9. ADJOURN.

**Motion by Wallace, second by Betts, to adjourn the City Council meeting at 9:30 p.m. All present voted aye. MOTION DECLARED CARRIED.**

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Respectfully submitted by Christina Scipioni,  
Recording Secretary